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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

David LINARES

Defendant.

Magistrate Case No.: '08 MJ 2335

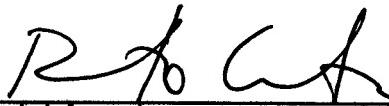
COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about July 29, 2008, within the Southern District of California, defendant David LINARES did knowingly and intentionally import approximately 9.40 kilograms (20.68 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30TH,
DAY OF JULY 2008.


Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

6/27/08

1 STATEMENT OF FACTS

2 This statement of facts is based on the reports, documents, and notes furnished
3 to US Immigration and Customs Enforcement Special Agent Reed.

4 On July 29, 2008 at approximately 0311 hours, David LINARES entered the
5 United States at the Calexico, California, East Port of Entry. LINARES was the driver of
6 a 1993 Toyota Corolla. Canine Enforcement Officer (CEO) R. Navarro was conducting
7 a pre-primary operation with his Human Narcotics Detector Dog (HNDD). The HNDD
8 alerted to the rear trunk area of the 1993 Toyota Corolla. CEO Navarro advised
9 primary inspector, Customs and Border Protection Officer (CBPO) G. Hernandez that
10 his HNDD alerted to the rear of the vehicle and asked him to refer the vehicle for further
11 inspection.

12 The primary inspector, CBPO Hernandez received a negative Customs
13 declaration from LINARES. CBPO Hernandez referred LINARES and the vehicle he
14 was driving to secondary for further inspection.

15 In the vehicle secondary lot, CEO Navarro performed a canine inspection of the
16 vehicle. The canine alerted again to the spare tire of the vehicle LINARES was driving.

17 A subsequent inspection of the vehicle revealed six packages in the vehicle
18 spare tire. CBPO S. Lopez probed one of the packages and a sample of a green leafy
19 substance was obtained, which field tested positive for marijuana. The six packages
20 had a combined net weight of approximately 9.40 kilograms (20.68 pounds).

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6/27/08

MAGISTRATE JUDGE INFORMATION SHEET

MAGISTRATE CASE NUMBER _____

1. Hearing Date _____ 2. AUSA _____ 3. Mag Judge Peter C. Lewis
 4. USAO # _____ 5. Agency # _____
 6. Defendant #: 1 of 1 7. Case Agent John Reed
 8. Charges: 21 USC 952 / 960 Importation of CS
 9. Defendant's Name: LINARES, David Gerardo 10. Social Security #: 614-94-7879
 11. Alias: 12. Birth Date: 09/07/1977
 13. Address: 14555 Saticoy St Apt 36, Van Nuys, CA 91405
 14. Arrest Date: 07/29/2008 15. Place of Arrest: Calexico East POE 16. Date Committed: 07/29/2008
 17. Agent (s): John Reed 18. Office Phone: _____
 19. Agency: U.S. Immigration and Customs Enforcement 20. Station: _____
 21. Custody: Yes No _____
 22. Citizenship: U.S. Mex _____ Other _____
 23. INS Status: Res _____ BCC _____ Illegal _____ Other _____
 24. Prior Deports: 25. IDENT Hits: _____
 26. Prior Record: None
 27. Drug Usage: None How Evidenced: _____
 28. Cash on Defendant: \$50.00 29. Other Evidence: _____
 30. Agent's Fact Summary:
 On July 29, 2008 LINARES entered the United States at the Calexico East Port of Entry driving a vehicle
 found to contain a marijuana load.

31. Agent's Info re: defendant (Employment, Family, Etc.)
 32. Def. Attorney: Appointed _____ Retained _____
 33. DEFENSE ATTORNEY: _____ PHONE NUMBER: _____
 34. Next Date for: PH Removal Date _____ Time _____ Detention Date _____ Time _____
 35. Bond Set: _____
 36. Material Witnesses Custodial Status: Custody _____ Not in Custody _____
 37. MATERIAL WITNESS ATTORNEY: _____ PHONE NUMBER: _____
 Court's Orders/Motions _____ Government's Notes For Bail _____

07/30

Defendant Locator Form

(Staple behind the Magistrate Information Sheet in front of Criminal History Info)
(Revised: 8/18/04)

ICE - RAC Calexico (760) 353-9090

Name of Defendant LINARES, David Gerardo DOB 09/07/1977

A-File Number _____ Charge 21 USC 952 / 960 Importation of CS

Imperial County Jail (760) 339-6367

Arrival Date: 07/29/2008 Time 0335

Booking Number: 887579

Transport Officer: John Reed

Receiving Official: _____

MCC Information (619) 232-4311, Ext. 430 (MCC Records)

Arrival Date: 7/30/08 Time _____

Booking Number: 10445-298

Transport Officer: Vazquez, M.

Receiving Official at MCC: _____

Hospitalized Defendants

Name of Medical Center/Detox Unit: _____

Phone Number of Medical Center/Detox Unit: _____

Name of Person Receiving Defendant There: _____

Date of Hospitalization: _____ Time: _____

Reason for Hospitalization: _____